

**Enrolled Minutes of the Eighty-ninth Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Plenary Meeting
Monday, May 13, 2019**

Study Session. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, May 13, 2019 6:35 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Steve Wagner were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council reviewed and discussed the agenda of the imminent regular meeting.
2. The Town Council discussed the basketball courts on LaPorte Street and discussed whether signed regarding conduct were desirable for the site.

The study session ended at 7:00 O'clock p.m.

Regular meeting. The Twenty Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, May 13, 2019 at 7:02 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Steve Wagner presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Konnie Kuiper reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Steve Wagner. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Esq., Town Attorney; John M. Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; Pat Vassar, Assistant Police Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; Kathy DeGuilio-Fox, Redevelopment Director; William R. Timmer, Jr., CFOD, Fire Chief; and Kenneth J. Mika, Building were present.

Also present: Larry Kondrat of the Board of Waterworks Directors; and Ed Dabrowski IT Director (Contract) were also present.

Guests: Theresa Badovich of the Idea Factory was also present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 22 April 2019 and the Special meeting of April 15, 2019 were approved by general consent.

Special Orders:

1. **Consideration of Proposed Additional Appropriations:** (Non-controlled funds) Proposed Additional Appropriations in Excess of the 2019 Budget for the Hazardous Materials Response Fund in the amount of \$13,623.

- (a) Attorney verification of Proofs of Publication: The TIMES 29 April 2019. The Town Attorney indicated that the proofs were in compliance with IC 5-3-1.
- (b) Public Hearing. The Town Council President called the hearing to order. There were no comments or remonstrances. The hearing was closed.
- (c) Action on **Appropriation Enactment No. 2019-20**: An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Hazardous Materials Response Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced Enactment No. 2019-20 and moved its consideration at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak and moved the passage and adoption of Enactment No, 2019-20 at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2019-20**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the HAZARDOUS MATERIALS RESPONSE FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Hazardous Materials Response Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Hazardous Materials Response Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

HAZARDOUS MATERIALS RESPONSE FUND

Increase the following accounts:

20-0000-20001 MSA Altair HazMat Gas Detectors:	\$ 3,500.00
20-0000-21000 Haz Mat Misc. Supplies:	<u>\$ 6,500.00</u>
<i>Total Supplies:</i>	<u>\$10,000.00</u>

20-0000-44050 Haz Mat Equipment:	<u>\$ 3,623.00</u>
<i>Total Equipment:</i>	<u>\$ 3,623.00</u>

TOTAL for FUND: **\$13,623.00**

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 13th Day of May 2019. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 13th Day of May 2019, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

/s/Steve Wagner, President (IC 36-5-2-10)

ATTEST:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

2. **Consideration of Proposed Additional Appropriations:** (Controlled funds): Proposed Additional Appropriations in Excess of the 2019 Budget for the Municipal Cumulative Capital Development (MCCD) Fund in the amount of \$84,300; for the Redevelopment General Fund in the amount of \$7,080.00; and for the Redevelopment Capital Fund in the amount of \$5,550.00.

(a) Attorney verification of Proofs of Publication: The TIMES 29 April 2019. The Town Attorney indicated that the proof of publication was in compliance with IC 5-3-1.

(b) Public Hearing. The Town Council President called the hearing to order. The following comments were received:

1. Tom Black, 3515 Garfield, Highland, inquired about the security retrofit of the current Town Hall. With leave from the Town Council, Councilor Herak allowed that the retrofit represented the installation of the computer controlled locks for the several doors as well as remote closed circuit cameras.
2. Larry Kondrat, 8115 4th Place East, Highland, sought clarification regarding the additional appropriations in the Redevelopment Capital Fund, for the community garden, and that the appropriation represented donations in fact received or projected.

It was noted that some of the money had been received and some was still in the course of collection.

There were no further comments. The hearing was closed.

(c) Action on **Appropriation Enactment No. 2019-21:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Municipal Cumulative Capital Development (MCCD) Fund in the amount of \$84,300; for the Redevelopment General Fund in the amount of \$7,080.00; and for the Redevelopment Capital Fund in the amount of \$5,550.00, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced Enactment No. 2019-21 and moved its consideration at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak and moved the passage and adoption of Enactment No, 2019-21 at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

APPROPRIATION ENACTMENT
Enactment No. 2019-21

An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Municipal Cumulative Capital Development Fund, the Redevelopment General Fund, and the Redevelopment Capital Fund, all pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Municipal Cumulative Capital Development Fund, the Redevelopment General Fund, and the Redevelopment Capital Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levy set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Municipal Cumulative Capital Development Fund** and for the purposes herein specified, subject to the laws governing the same:

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND

Increase the following:

55-0000-39055 Town Hall Security retrofit:	<u>\$ 14,000.00</u>
<i>Total Professional Services:</i>	<u>\$ 14,000.00</u>
55-0000-43019 Code Enforcement Vehicles:	<u>\$ 70,300.00</u>
<i>Total Capital Acquisitions:</i>	<u>\$ 70,300.00</u>
TOTAL for the FUND:	<u>\$ 84,300.00</u>

Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Redevelopment General Fund** and for the purposes herein specified, subject to the laws governing the same:

REDEVELOPMENT GENERAL FUND

Increase the following:

94-0000-20006 GS Main Street Supplies:	<u>\$ 2,500.00</u>
<i>Total Supplies:</i>	<u>\$ 2,500.00</u>
94-0000-39030 Main Street Prof. Services:	\$ 1,580.00
94-0000-39035 OCRA Public Art Program:	<u>\$ 3,000.00</u>
<i>Total Professional Services:</i>	<u>\$ 4,580.00</u>
TOTAL for the FUND:	<u>\$ 7,080.00</u>

Section 3. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Redevelopment Capital Fund** and for the purposes herein specified, subject to the laws governing the same:

REDEVELOPMENT CAPITAL FUND

Increase the following:

96-0000-39040 Community Garden Services:	<u>\$ 5,550.00</u>
<i>Total Professional Services:</i>	<u>\$ 5,550.00</u>
TOTAL for the FUND:	<u>\$ 5,550.00</u>

Section 4. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure **subject to an order** of the Commissioner, pursuant to IC 6-1.1-18.

Section 5. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 13th Day of May 2019. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 13th Day of May 2019, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

/s/ Steve Wagner, President (IC 36-5-2-10)

ATTEST:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

3. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located 2617 45th Street, Highland, to allow the petitioner to operate a day care facility at that premises. HMC Section 18.35.040 does not contain Day Care Facility among its listed permissible uses. The property is currently zoned as B-1 Neighborhood Business District. Petitioner: Steven & Jacqueline Keller, 2017 Azalea Drive, Highland. The Advisory Board of Zoning Appeals by a vote of five (5) in favor and zero (0) opposed acted to favorably recommend the request for the use variance for the property. The ABZA acted at its meeting of Wednesday, April 24, 2019. The findings of fact were memorialized and the board is expected to approve the facts in written form at its meeting of 22 May 2019. (90 days ends 23 July 2019).

Pursuant to IC 36-7-4-918.6, the Town Council may either accept the favorable recommendation and GRANT the requested use variance or it may reject (over rule) the favorable recommendation and DENY the use variance. If not acted upon by the Town Council within the 90 days described above, the action of the Advisory Board of Zoning Appeals stands.

(A) **Opportunity for Comment:** Steven and Jacqueline Keller were present and spoke in favor of their petition.

(B) **Action on the Recommendation.** Councilor Vassar moved to accept the favorable recommendation and grant the use variance as requested. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The use variance was granted.

4. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located 2519 Highway Avenue, Highland, to allow the petitioner to allow a non-conforming use, for the residential property, HMC Section 18.90.050(c)(4). The petitioner seeks to allow the property to continue to be used for a single family residence. The property is currently zoned as B-2 Central Business District. Petitioner: Jose Arellano of TREBOL,LLC, , 2125 Ridgewood Street, Highland. The Advisory Board of Zoning Appeals by a vote of five (5) in favor and zero (0) opposed acted to favorably recommend the request for the use variance for the property. The ABZA acted at its meeting of Wednesday, April 24, 2019. The findings of fact were memorialized and the board is expected to approve the facts in written form at its meeting of 22 May 2019. (90 days ends 23 July 2019).

Pursuant to IC 36-7-4-918.6, the Town Council may either accept the favorable recommendation and GRANT the requested use variance or it may reject (over rule) the favorable recommendation and DENY the use variance. If not acted upon by the Town Council within the 90 days described above, the action of the Advisory Board of Zoning Appeals stands.

(A) **Opportunity for Comment:** There was no comment.

(B) **Action on the Recommendation:** Councilor Kuiper moved to accept the favorable recommendation and grant the use variance as requested. Councilor Vassar

seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The use variance was granted.

5. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located 2527 Highway Avenue, Highland, to allow the petitioner to have a non-conforming use, for the residential property, HMC Section 18.90.050(c)(4). The petitioner seeks to allow the property to continue to be used for a single family residence. The property is currently zoned as B-2 Central Business District. Petitioner: **Jose Arellano of TREBOL, LLC**, , 2125 Ridgewood Street, Highland. The Advisory Board of Zoning Appeals by a vote of five (5) in favor and zero (0) opposed acted to **favorably recommend the request for the use variance** for the property. The ABZA acted at its meeting of Wednesday, April 24, 2019. The findings of fact were memorialized and the board is expected to approve the facts in written form at its meeting of 22 May 2019. (90 days ends 23 July 2019).

Pursuant to IC 36-7-4-918.6, the Town Council may either accept the favorable recommendation and GRANT the requested use variance or it may reject (over rule) the favorable recommendation and DENY the use variance. If not acted upon by the Town Council within the 90 days described above, the action of the Advisory Board of Zoning Appeals stands.

(A) Opportunity for Comment: There was no comment.

(B) Action on the Recommendation: Councilor Vassar moved to accept the favorable recommendation and grant the use variance as requested. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The use variance was granted.

6. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located 8629 Osborne Street, Highland, to allow the petitioner to have a legal non-conforming use, for the residential property, HMC Section 18.90.050(c)(4). The petitioner seeks to allow the property to continue to be used for a single family residence. The property is currently zoned as B-2 Central Business District. Petitioner: **Sheryle & Trevor Bozich of Wicker View Rentals**, 8629 Osborn Drive, Highland. The Advisory Board of Zoning Appeals by a vote of five (5) in favor and zero (0) opposed acted to **favorably recommend the request for the use variance** for the property. The ABZA acted at its meeting of Wednesday, April 24, 2019. The findings of fact were memorialized and the board is expected to approve the facts in written form at its meeting of 22 May 2019. (90 days ends 23 July 2019).

Pursuant to IC 36-7-4-918.6, the Town Council may either accept the favorable recommendation and GRANT the requested use variance or it may reject (over rule) the favorable recommendation and DENY the use variance. If not acted upon by the Town Council within the 90 days described above, the action of the Advisory Board of Zoning Appeals stands.

(A) Opportunity for Comment: There was no comment.

(B) Action on the Recommendation: Councilor Vassar moved to accept the favorable recommendation and grant the use variance as requested. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The use variance was granted.

Staff Reports: The following staff reports were received and filed.

- **Building & Inspection Report for April 2019**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00

Commercial Additions or Remodeling:	9	0	9	\$1,377,764.00	\$21,594.50
Signs:	3	0	3	\$9,111.00	\$850.50
Single Family:	1	1	0	\$470,000.00	\$7,113.50
Duplex/Condo:	1	1	0	\$240,000.00	\$3,778.50
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	90	90	0	\$796,666.00	\$15,756.00
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	2	2	0	\$7,008.00	\$275.00
Decks & Porches:	3	3	0	\$23,086.00	\$976.00
Fences:	21	21	0	\$62,395.00	\$2,670.00
Swimming Pools:	4	4	0	\$0.00	\$376.00
DrainTile/ Waterproofing:	8	8	0	\$99,999.00	\$2,094.00
Miscellaneous	20	20	0	\$93,815.00	\$3,994.50
TOTAL:	162	150	12	\$3,179,844.00	\$59,478.50
Electrical Permits	23	16	7		\$2,584.00
Mechanical Permits	16	13	3		\$1,697.00
Plumbing Permits	14	10	4		\$2,132.00
Water Meters	8	7	1		\$2,265.00
Water Taps	2	2	0		\$400.00
Sewer/Storm Taps	1	1	0		\$300.00
TOTAL Plumbing:	25	20	5		\$5,097.00

April Code Enforcement:

Investigations: 61
Citations: 04
Warnings: 00

April Inspections:

Building: 38 Electrical: 35 Plumbing: 17 HVAC: 19
Electrical Exams: 0

• **Fire Department Report for April 2019**

<u>Type of Call</u>	<u>Month</u>	<u>1st half of year</u>
General Alarms	09	53
Paid Still Alarms	35	112
Still Alarms	04	21
Total Alarms:	48	186

• **Workplace Safety Report for April 2019**

There was one workplace incident to report in April. The following report was filed.

Department	Injuries this Month	Year to Date 2019	Total in 2018	Restricted Days 2019	Lost Workdays This Year (2019)	Restricted Days Last Year (2018)	Lost Workdays Last Year (2018)
Parks	0	0	4	0	0	0	0

Fire	0	1	0	0	0	0	0
Police	1	1	3	0	0	0	0
Street	0	0	2	0	0	0	0
Water & Sewer	0	0	4	0	0	80	46
Maint.	0	1	1	14	2	0	0
Other	0	0	0	0	0	0	0
TOTALS	1	3	14	14	2	80	46

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

- Proposed Ordinance No. 1698:** An Ordinance to Amend Chapter 12.15 of the Highland Municipal Code, By Amending Solid Waste Service Fees set Forth in Subdivision (g) of Section 12.15.090 of the Municipal Code and particularly Modifying or Amending Certain Other Provisions for Technical Clarity and Correctness. *(The forgoing provisions set forth in Sections 2, 3 and 6 were captured in resolution form, introduced in the meeting of the Board of Sanitary Commissioners of April 16, 2019, where it was ordered for a public hearing, all pursuant to IC 36-9-25-11. The public hearing was conducted at the meeting of May 7, 2019. Following the hearing, the resolution was passed and adopted by the Board of Sanitary Commissioners by a vote of 4 in favor and 0 opposed.)*

Councilor Zemen introduced proposed Ordinance No. 1698. There was no further action. The Town Council noted that the public works director would be making a presentation to the Town Council at the May 20, 2019 meeting of the Town Council.

- Proposed Ordinance No. 1699:** An Ordinance To Amend Chapter 14.20 of the Highland Municipal Code Regarding the Economic Development Non Reverting Fund, All Pursuant To I.C. 36-1-5 and I.C. 36-7-14 Et Seq. *(If adopted, ordinance will clarify language regarding fees for applications for economic revitalization areas.)*

Councilor Herak introduced Ordinance No. 1699 and moved its consideration at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak and moved the passage and adoption of Ordinance No. 1699 at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of its introduction.

**ORDINANCE No. 1699
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE To AMEND CHAPTER 14.20 OF THE HIGHLAND MUNICIPAL CODE REGARDING THE ECONOMIC DEVELOPMENT NON REVERTING FUND, ALL PURSUANT TO I.C. 36-1-5 AND I.C. 36-7-14 ET SEQ.

WHEREAS, Title 36, Article 1, Chapter 5 of the Indiana Code provides that the legislative body of a unit shall codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

WHEREAS, The legislative body of this unit, the Town of Highland, is the Town Council, pursuant to IC 36-1-2-9(5) and IC 36-5-2-2;

WHEREAS, IC 36-7-4 specifically provides that a unit of local government shall govern planning and development according to its terms and provisions;

WHEREAS, The Town Council has previously adopted the provisions of IC 36-7-12 establishing an economic development commission;

WHEREAS, The Highland Town Council has determined that the amendment of the Highland Municipal Code regarding its provisions dealing with the redevelopment commission to be an exercise of local authority consistent with the provisions of IC 36-7-12 and IC 36-1-3 and necessary or desirable in the conduct of its affairs;

WHEREAS, The Highland Town Council has further determined that the amendment of the Highland Municipal Code regarding its provisions dealing with the redevelopment commission would further perfect the municipal code by selectively adopting statutory text; and

WHEREAS, The present general and permanent ordinances of the Town of Highland, formally codified in 2012, are in need of technical and substantive modifications desirable to further improve and perfect the Code; and

WHEREAS, The Town Council, is persuaded that it is necessary and desirable to adopt a technical and substantive modification to Chapter 14.20 in order to further improve and perfect the Code,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Section 14.20.220 of the Highland Municipal Code is hereby repealed in its entirety and amended by successor Section, which shall be identified as Section 14.20.220 and read as follows:

14.20.220 Special application and process fees.

(A) Pursuant to IC [6-1.1-12.1-2\(h\)](#), the town council as the “designating body” hereby authorizes, establishes and imposes a fee for filing a designation application for a person requesting the designation of a particular area as an economic revitalization area.

(B) This application fee shall be fixed based upon the estimated cost of construction as follows:

(1) If the estimated amount of construction spending in the particular economic revitalization area is less than one million, the fee is hereby fixed at \$250;

(2) If the estimated amount of construction spending in the particular economic revitalization area is equal to or greater than one million, the fee is hereby fixed as either a calculation equal to one percent (1%) of the estimated amount of construction spending that is proposed to be brought about in a particular economic revitalization area, or 15 percent of the gross tax savings to be realized in each year of the approved tax abatement, as the proper board may recommend. ~~and as the designating body may approve.~~

(C) However, if the designation application involves a parcel that contains one or more owner-occupied, single-family dwellings, the fee shall be not in excess of the cost of publication of the legal notice associated with the public hearing on the application.

Section 2. That this ordinance shall be effective and after its passage and adoption, retroactive from March 1, 2019, with such adoption to be evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10 and IC 36-5-2-10.2.

Introduced and Filed on the 13th day of March 2019. Consideration on First Reading Sustained a vote of 5 in Favor and 0 Opposed, pursuant to I.C. 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 13th day of May 2019, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

/s/Steve Wagner, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

3. **Enactment No. 2019-18:** An Enactment Regarding the Disposition of Surplus on Deposit to the Credit of the Water Cash Reserve Fund, Authorizing its transfer to the Corporation General Fund, pursuant to I.C. 8-1.5-3-11 et seq. *(The 2019 budget was passed contemplating this transfer from the Water Cash Reserve Fund. If passed tonight, it will require approval of the Board of Waterworks Directors.)*

Councilor Herak introduced Enactment No. 2019-18 and moved its consideration at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak and moved the passage and adoption of Enactment No, 2019-18 at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

**TOWN COUNCIL of the TOWN of HIGHLAND
ENACTMENT NO. 2019-18**

An Enactment Regarding the Disposition of Surplus on Deposit to the Credit of the Water Cash Reserve Fund, Authorizing its transfer to the Corporation General Fund, pursuant to I.C. 8-1.5-3-11 et seq.

WHEREAS, The Town of Highland by proper legislative action has established a Department of Waterworks pursuant to IC 36-1.4-4, codified as Chapter 12.05 of the Highland Municipal Code;

WHEREAS, The Department of Waterworks is governed by the provisions of IC 8-1.5-4 and IC 8-1.5-3 in its operations and management of assets;

WHEREAS, Indiana Code 8-1.5-4-11 particularly provides for the establishment by ordinance of a Cash Reserve Fund for the waterworks, for its stewardship for loans, and transfers for payments in lieu of taxes and under IC 8-1.5-3-8(e) for rates that support reasonable return on the utility plant of the municipality;

WHEREAS, Pursuant to IC 8-1.5-3-11 (b), the Town of Highland has established a Waterworks Cash Reserve Fund, under Section 12.05.050 (A) of the Highland Municipal Code;

WHEREAS, Pursuant to IC 8-1.5-3-11 (d), the Town of Highland adopted in its budget for FY 2019 an amount to include in the corporation general fund budget, in an amount, which cannot exceed the amount in the Cash Reserve Fund at June 30 of the year of the budget's preparation and not in excess of the amount calculated in the user rate basis for ROI;

WHEREAS, The amount in the Cash Reserve Fund at June 30, 2018 was \$707,963; and,

WHEREAS, Pursuant to IC 8-1.5-3-11 (d), the Town Council as the municipal legislative body desires to transfer **all** of the amount identified in the adopted budget for FY 2019,

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That pursuant to the provisions of IC 8-1.5-3-11(d), the Town Council hereby finds and determines the following:

- (A) That the Town Council adopted and the Department of Local Government Finance approved by order the budget of the Town for FY 2019, which for its municipal general fund did include an amount of up to \$ 390,000 to be transferred from the municipal water utility cash reserve fund;
- (B) That there is a Waterworks Cash Reserve Fund established by the municipality under Section 12.05.050 of the municipal code and the amount on deposit to that cash reserve fund at June 30, 2018 was seven hundred seven thousand, nine hundred sixty-three dollars (\$707,963);
- (C) That any transfer herein authorized does not impair or adversely affect compliance with any terms or conditions of any bond ordinance or resolution, indenture, contract or similar instrument binding upon the municipality;

(D) That the most recently adopted and effective rates and charges of the Department of Waterworks provide for rates that support reasonable return on the utility plant of the municipality, pursuant to IC 8-1.5-3-8(e), with such reasonable return to be deposited in the Cash Reserve Fund;

Section 2. That for the expenses of said municipality, the amount of **Three hundred ninety thousand dollars (\$390,000)** are hereby transferred and set apart from the **Waterworks Cash Reserve Fund** for deposit in the **Corporation General Fund**, subject to the laws governing the same, subject to the approval of the Board of Waterworks Directors, as set forth in Indiana Code 8-1.5-3-11(a);

Section 3. That the Clerk-Treasurer is hereby authorized and requested as follows:

- (A) To seek the approving action of the Board of Waterworks Directors as set forth above; and,
- (B) Upon approval, to transfer the sum identified and as authorized herein;

Section 4. That, in addition to the express authority conferred herein, the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby authorized and requested to take such steps as necessary to carry out the purposes of this enactment;

Section 5. That the money transferred may be expended from the Corporation General Fund, for purposes permitted by law, and after its appropriation in the manner set forth in IC 6-1.1-18.

Introduced and Filed on the 13th day of May 2019. Consideration on same evening of introduction attained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 13th day of May 2019 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/ Steven Wagner, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

Approval by the Board of Waterworks Directors

It is hereby certified that the foregoing transfer from the cash reserve fund to the corporation general fund was considered at a regular or special meeting of the Highland Board of Waterworks Directors.

The transfer identified herein is duly approved pursuant to the provisions of IC 8-1.5-3-11(a) by the Board of Waterworks Directors of the Town of Highland, Lake County, Indiana, this ____ day of _____ 2019 having passed by a vote of ____ in favor and ____ opposed.

**THE HIGHLAND WATER WORKS
BY IT'S BOARD OF DIRECTORS:**

Ed Dabrowski, President

Attest:

George A. Smith, Secretary

4. **Enactment No. 2019-19:** An Enactment Regarding the Disposition of Surplus on Deposit to the Credit of the Sanitary District Sewage Cash Reserve Fund, Authorizing its transfer to the Corporation General Fund, pursuant to HMC Section 12.10.110. *(The 2019 budget was passed contemplating this transfer from the Sewage Cash Reserve Fund. If passed tonight, it will require approval of the Board of Sanitary Commissioners.)*

Councilor Herak introduced Enactment No. 2019-19 and moved its consideration at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no

negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak and moved the passage and adoption of Enactment No, 2019-19 at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

TOWN COUNCIL of the TOWN of HIGHLAND
ENACTMENT NO. 2019-19

An Enactment Regarding the Disposition of Surplus on Deposit to the Credit of the Sanitary District Sewage Cash Reserve Fund, Authorizing its transfer to the Corporation General Fund, pursuant to HMC Section 12.10.110.

WHEREAS, The Town of Highland by proper legislative action has established a Department of Public Sanitation and Sanitary District pursuant to IC 36-9-25 et seq., codified as Chapter 12.10 of the Highland Municipal Code;

WHEREAS, The Department of Public Sanitation and Sanitary District is governed by the provisions of I.C. 36-9-25 and in some cases IC 36-9-23 in its operations, rate-setting and management of assets;

WHEREAS, Indiana Code 36-1-3 particularly provides for the exercise by ordinance of powers that are expressly granted to the municipality by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, Pursuant to IC 36-1-3 and IC 36-9-25 the Town adopted HMC Section 12.10.110, establishing a cash reserve fund for the wastewater and storm water utilities, for its stewardship for loans, and transfers for payments in lieu of taxes for rates that support a reasonable return on the sewage utility plant of the municipality;

WHEREAS, Pursuant to IC 36-9-25-11 (l), which expressly states that its particular provisions may not be construed to prohibit a municipal legislative body from including in an ordinance adopted under IC 36-9-25 any other provision that the municipal legislative body considers appropriate, the Town did adopt in its most recently effective rate ordinance, rates and charges that support a reasonable return on the sewage utility plant of the municipality;

WHEREAS, HMC section 12.10.110, provides that the cash reserve fund shall be governed by the provisions of IC 8-1.5-3-11;

WHEREAS, Pursuant to IC 8-1.5-3-11 (d), the Town of Highland adopted in its budget for FY 2019 an amount to include in the corporation general fund budget, in an amount, which cannot exceed the amount in the Cash Reserve Fund at June 30 of the year of the budget's preparation and not in excess of the amount calculated in the user rate basis for ROI;

WHEREAS, The amount in the Cash Reserve Fund at June 30, 2018 was **\$439,841.00**; and,

WHEREAS, Pursuant to the foregoing, the Town Council as the municipal legislative body desires to transfer **all** of the adopted amount identified in the adopted budget for FY 2019,

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

- Section 1.** That the Town Council hereby finds and determines the following:
- (A) That the Town Council adopted and the Department of Local Government Finance approved by order the budget of the Town for FY 2019, which for its municipal general fund did include an amount of up to **\$390,000** to be transferred from the municipal sewage cash reserve fund;
 - (B) That there is a Sanitary District Sewage Cash Reserve Fund established by the municipality under Section 12.10.110 of the municipal code and the amount on deposit to that cash reserve fund at June 30, 2018 was four hundred thirty-nine thousand, eight hundred forty-one dollars (**\$439,841.00**);
 - (C) That any transfer herein authorized does not impair or adversely affect compliance with any terms or conditions of any bond ordinance or resolution, indenture, contract or similar instrument binding upon the municipality;

Section 3. That the most recently adopted and effective rates and charges of the Department of Public Sanitation and Sanitary District provide for rates that support reasonable return on the utility plant of the municipality, pursuant to IC 36-9-25-11(l), with such reasonable return to be deposited in the Cash Reserve Fund;

Section 2. That for the expenses of said municipality, the amount of **Three hundred ninety thousand, dollars (\$390,000)** are hereby transferred and set apart from the **Sanitary District Sewage Cash Reserve Fund** for deposit in the **Corporation General Fund**, subject to the laws governing the same, subject to the approval of the Board of Sanitary Commissioners, as set forth in Indiana Code 8-1.5-3-11(a) as adopted by reference in HMC Section 12.10.110 (A);

- Section 3.** That the Clerk-Treasurer is hereby authorized and requested as follows:
- (A) To seek the approving action of the Board of Sanitary Commissioners as set forth above; and,
 - (B) Upon approval, to transfer the sum identified and as authorized herein;

Section 4. That, in addition to the express authority conferred herein, the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby authorized and requested to take such steps as necessary to carry out the purposes of this enactment;

Section 5. That the money transferred may be expended from the Corporation General Fund, for purposes permitted by law, and after its appropriation in the manner set forth in IC 6-1.1-18.

Introduced and Filed on the 14th day of May 2018. Consideration on same evening of introduction attained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 13th day of May 2019 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/ Steven Wagner, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

Approval by the Board of Sanitary Commissioners

It is hereby certified that the foregoing transfer from the cash reserve fund to the corporation general fund was considered at a regular or special meeting of the Highland Board of Sanitary Commissioners.

The transfer identified herein is duly approved pursuant to the provisions of IC 8-1.5-3-11(a), incorporated by reference in HMC Section 12.10.110 (A) and now adopted by the Board of Sanitary Commissioners of the Town of Highland, Lake County, Indiana, this ____ day of _____ 2019 having passed by a vote of ____ in favor and ____ opposed.

**DEPARTMENT OF PUBLIC SANITATION & SANITARY DISTRICT
BY ITS BOARD OF SANITARY COMMISSIONERS:**

Richard Garcia, President

Attest:

David Jones, Secretary

5. Works Board Order No. 2019-12: An Order of the Works Board Approving and Authorizing An agreement between NIES Engineering, Incorporated and the Town of Highland to perform Professional Design Engineering services for the 2019 Community Crossings Matching Grant (CCMG) Street Improvement and Resurfacing Project in the Amount Not-to-Exceed \$28,000.

Councilor Vassar moved the passage and adoption of Works Board Order No. 2019-12. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN of HIGHLAND
ORDER OF THE WORKS BOARD NO. 2019-12

AN ORDER OF THE WORKS BOARD APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN NIES ENGINEERING, INCORPORATED AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL DESIGN ENGINEERING SERVICES FOR THE 2019 COMMUNITY CROSSINGS MATCHING GRANT (CCMG) STREET IMPROVEMENT AND RESURFACING PROJECT IN THE AMOUNT NOT-TO-EXCEED \$28,000

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has determined to improve certain streets (Projects) in the Town of Highland and had applied and been approved for a Community Crossings Matching Grant in the amount of \$899,478, which represents one-half the of the estimated total amount of the Project; and

Whereas, The Projects include the following streets:

1. Highway Avenue – Ridge Road to Delaware Street
2. Jewett Avenue – Kennedy Avenue to 5th Street
3. 4th Street – Jewett Avenue to Highway Avenue
4. 45th Avenue – 50' west of 5th Place to 150' west of Forrest Drive
5. LaPorte Street- Kennedy Avenue to Grace Street
6. Cline Avenue – 45th Street to 400' south of Ridge Road
7. Highway Avenue – Liable Road to Cline Avenue
8. 81st Street – Indianapolis Boulevard to Sycamore Avenue
9. Ramblewood Drive – 100' west of Prairie Avenue to US Route 41
10. Spring Street 45th Avenue to Martha Street

Whereas, NIES Engineering, Incorporated has offered and presented an agreement to provide and furnish **Professional Design Engineering Services** in consideration for fees to be charged and billed monthly based upon a lump Twenty-eight Thousand Dollars (\$28,000); and

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described.

Now Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the Professional Design Engineering Services proposal, (incorporated by reference and made a part of this Order) NIES Engineering, Incorporated and the Town of Highland, is hereby approved, adopted and ratified in each and every respect;

Section 2. That the terms and charges under the agreement for preliminary design engineering services in the not to exceed fee amount of Twenty-eight Thousand Dollars (\$28,000.00) is found to be reasonable and fair;

Section 3. That the Town of Highland, through its Board of Works, believes that NIES Engineering, Incorporated has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;

Section 4. That the Director of Public Works be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

Be it So Ordered.

DULY, PASSED, ADOPTED AND ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 13th day of May 2019 having passed by a vote of 5 in favor and 0 opposed.

WORKS BOARD of the TOWN of HIGHLAND, INDIANA

/s/Steve Wagner, President (IC 36-5-2-10)

Attest:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

(Agreement on file)

6. **Works Board Order No. 2019-13:** An Order Authorizing, Approving, Accepting and Concurring in an Easement Agreement between the TOWN of HIGHLAND as Grantor and Northern Indiana Public Service Company (NIPSCO) as Grantee to support Renovations planned for the Kennedy Avenue Bridge, to be known as Electrical Facilities Easement Agreement 1.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2019-13. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and one negative. With Councilors Zemen, Vassar, Kuiper and Wagner voting in the affirmative and Councilor Herak voting in the negative, the motion passed. The order was adopted.

The Town of Highland
ORDER of the WORKS BOARD NO. 2019-13

An Order Authorizing, Approving, Accepting and Concurring in an Easement Agreement between the TOWN of HIGHLAND as Grantor and Northern Indiana Public Service Company (NIPSCO) as Grantee to support Renovations planned for the Kennedy Avenue Bridge, to be known as Electrical Facilities Easement Agreement 1.

Whereas, The Town of Highland, the City of Hammond and the Little Calumet River Basin Development Commission are interested in reconstruction and improvements to the Kennedy Avenue Bridge, to improve flood protection and to allow for certain aesthetic amenities to adorn the bridge for quality of place-making;

Whereas, The foregoing improvements and related storm water and watershed management requires the acquisition of certain easements upon property owned by **the TOWN of HIGHLAND** as Grantor, for the purpose of constructing, installing and utilizing certain improvements and related appurtenances for electrical facilities; and

Whereas, The Grantor wishes to grant to the Grantee, the Northern Indiana Public Service Company, LLC, an investor owned regulated public utility, an **electrical facilities easement** for the purposes herein referenced, which is legally described in a companion easement agreement;

Whereas, The Town of Highland through its Town Council, acting as the fiscal body, legislative body and works board of the municipality, has determined that the **electrical facility easement** and the associated agreement for this project and all other appurtenances in, under, over and across the above described real estate would be of great public benefit and utility;

Whereas, The Northern Indiana Public Service Company, LLC, an investor owned regulated public utility, (hereinafter sometimes referred to as Grantee), has determined that the **electrical facilities utility easement** and the associated agreement for this project and all other appurtenances in, under, over and across the above described real estate would be of great public benefit and utility;

Whereas, The Town of Highland, without a designated department, as Grantor owns and has title to certain real estate located in Lake County, Indiana, which is legally described as follows:

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 9 WEST of the 2nd PRINCIPAL MERIDIAN IN THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA, SAID PARCEL DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER of LOT 13 IN HOMESTEAD COMMERCIAL ADDITION AS SHOWN IN PLAT BOOK 32, PAGE 49 IN THE OFFICE of THE RECORDER OF SAID COUNTY, THENCE SOUTH 74 DEGREES 50 MINUTES 00 SECONDS WEST (BASIS OF BEARINGS is PER SAID HOMESTEAD COMMERCIAL ADDITION PLAT), 53.74 FEET ALONG THE NORTH LINE OF SAID LOT 13; THENCE NORTH 04 DEGREES 32 MINUTES 53 SECONDS EAST, 18.13 FEET; THENCE SOUTH 85 DEGREES 27 MINUTES 07 SECONDS EAST, 50.59 FEET TO THE POINT OF BEGINNING, CONTAINING 459 SQUARE FEET MORE OR LESS.

RECORDED IN PLAT BOOK 759, PAGE 381, DOCUMENT No. 238280, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

Whereas, The Town of Highland, through its Town Council, acting as the Works Board (hereinafter sometimes referred to as Grantor), now wishes to finally authorize, adopt, accept and approve the **electrical facility easement agreement**, granting the easement as described, between the Town of Highland as Grantor and Northern Indiana Public Service Company, LLC, (NIPSCO) an investor owned regulated public utility as Grantee,

Now, Therefore, Be It hereby Ordered by the Highland Town Council, acting as the Works Board of the Municipality as follows:

Section 1. That the **electrical facilities utility easement** agreement, to be known as **Electrical Facilities Easement Agreement 1**, between the TOWN of HIGHLAND as Grantor) and Northern Indiana Public Service Company, LLC, (NIPSCO), an investor owned regulated public utility, as grantee which is incorporated by its reference, is hereby authorized, approved, accepted and ratified in each and every respect;

Section 2. That Town of Highland, as Grantor, conveys, authorizes and grants an easement, conveyed, granted, and assigned by agreement to Northern Indiana Public Service Company, LLC, (NIPSCO), an investor owned regulated public utility, as grantee, 801 E. 86th Avenue, Merrillville, Indiana 46410 an electrical facility easement in, under, over and across the following legally described real estate, to-wit:

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 9 WEST of the 2nd PRINCIPAL MERIDIAN IN THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA, SAID PARCEL DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER of LOT 13 IN HOMESTEAD COMMERCIAL ADDITION AS SHOWN IN PLAT BOOK 32, PAGE 49 IN THE OFFICE OF THE RECORDER OF SAID COUNTY, THENCE SOUTH 74 DEGREES 50 MINUTES 00 SECONDS WEST (BASIS OF BEARINGS is PER SAID HOMESTEAD COMMERCIAL ADDITION PLAT), 53.74 FEET ALONG THE NORTH LINE OF SAID LOT 13; THENCE NORTH 04 DEGREES 32 MINUTES 53 SECONDS EAST, 18.13 FEET; THENCE SOUTH 85 DEGREES 27 MINUTES 07 SECONDS EAST, 50.59 FEET TO THE POINT OF BEGINNING, CONTAINING 459 SQUARE FEET MORE OR LESS.

RECORDED IN PLAT BOOK 759, PAGE 381, DOCUMENT No. 238280, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

Section 3. That the agreement adopted by this order is incorporated herein as an exhibit to this order;

Section 4. That the Town Council President and the Clerk-Treasurer are hereby authorized and directed to evidence this acceptance, approval and adoption of the easements and agreement by affixing their signatures to the agreement.

Be it So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 13th day of May 2019 having passed by a vote of 4 in favor and 1 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Steven Wagner, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

(Easement Agreement on File.)

7. **Works Board Order No. 2019-14:** An Order Authorizing, Approving, Accepting and Concurring in an Easement Agreement between the TOWN of HIGHLAND as Grantor and Northern Indiana Public Service Company (NIPSCO) as Grantee to support Renovations planned for the Kennedy Avenue Bridge., to be known as Electrical Facilities Easement Agreement 2.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2019-14. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and one negative. With Councilors Zemen, Vassar, Kuiper and Wagner voting in the affirmative and Councilor Herak voting in the negative, the motion passed. The order was adopted.

**The Town of Highland
ORDER of the WORKS BOARD NO. 2019-14**

An Order Authorizing, Approving, Accepting and Concurring in an Easement Agreement between the TOWN of HIGHLAND as Grantor and Northern Indiana Public Service Company (NIPSCO) as Grantee to

support Renovations planned for the Kennedy Avenue Bridge., to be known as Electrical Facilities Easement Agreement 2.

Whereas, The Town of Highland, the City of Hammond and the Little Calumet River Basin Development Commission are interested in reconstruction and improvements to the Kennedy Avenue Bridge, to improve flood protection and to allow for certain aesthetic amenities to adorn the bridge for quality of place making;

Whereas, The foregoing improvements and related storm water and watershed management requires the acquisition of certain easements upon property owned by **the TOWN of HIGHLAND** as Grantor, for the purpose of constructing, installing and utilizing certain improvements and related appurtenances for electrical facilities; and

Whereas, The Grantor wishes to grant to the Grantee, the Northern Indiana Public Service Company, LLC, an investor owned regulated public utility, an **electrical facilities easement** for the purposes herein referenced, which is legally described in a companion easement agreement;

Whereas, The Town of Highland through its Town Council, acting as the fiscal body, legislative body and works board of the municipality, has determined that the **electrical facility easement** and the associated agreement for this project and all other appurtenances in, under, over and across the above described real estate would be of great public benefit and utility;

Whereas, The Northern Indiana Public Service Company, LLC, an investor owned regulated public utility, (hereinafter sometimes referred to as Grantee), has determined that the **electrical facilities utility easement** and the associated agreement for this project and all other appurtenances in, under, over and across the above described real estate would be of great public benefit and utility;

Whereas, The Town of Highland, without a designated department, as Grantor owns and has title to certain real estate located in Lake County, Indiana, which is legally described as follows:

A 20 FOOT WIDE STRIP OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 9 WEST of the 2nd PRINCIPAL MERIDIAN IN THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA, SAID 20 FOOT WIDE STRIP DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER of OUTLOT A IN OAKBROOK METRO PARK ADDITION TO THE CITY OF HAMMOND, AS SHOWN IN PLAT BOOK 103, PAGE 71 RECORDED AS DOCUMENT NUMBER 2009-025815 ON APRIL 22, 2009 IN THE OFFICE OF THE RECORDER OF SAID COUNTY,

THENCE NORTH 89 DEGREES 48 MINUTES 32 SECONDS EAST (BASIS OF BEARINGS is PER SAID OAKBROOK METRO PARK ADDITION PLAT), 99.23 FEET ALONG THE NORTH LINE OF SAID OUTLOT A; THENCE SOUTH 03 DEGREES 37 MINUTES 29 SECONDS WEST, 169.28 FEET TO THE SOUTH LINE OF SAID OUTLOT A AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 03 DEGREES 37 MINUTES 29 SECONDS WEST, 254.51 FEET; THENCE SOUTH 86 DEGREES 21 MINUTES 51 SECONDS EAST, 20.00 FEET; THENCE NORTH 03 DEGREES 37 MINUTES 29 SECONDS EAST, 254.75 FEET TO SAID SOUTH LINE OF OUTLOT A; THENCE NORTH 87 DEGREES 02 MINUTES 00 SECONDS WEST 20.00 FEET ALONG SAID SOUTH LINE OF OUTLOT A TO THE POINT OF BEGINNING, CONTAINING 5,093 SQUARE FEET MORE OR LESS.

RECORDED IN PLAT BOOK 1007, PAGE 474, DOCUMENT No. 868054, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

Whereas, The Town of Highland, through its Town Council, acting as the Works Board (hereinafter sometimes referred to as Grantor), now wishes to finally authorize, adopt, accept and approve the **electrical facility easement agreement**, granting the easement as described, between the Town of Highland as Grantor and Northern Indiana Public Service Company, LLC, (NIPSCO) an investor owned regulated public utility as Grantee,

Now, Therefore, Be It hereby Ordered by the Highland Town Council, acting as the Works Board of the Municipality as follows:

Section 1. That the **electrical facilities utility easement** agreement, to be known as **Electrical Facilities Easement Agreement 2**, between the TOWN of HIGHLAND as Grantor) and Northern Indiana Public Service Company, LLC, (NIPSCO), an investor owned regulated public utility, as grantee which is incorporated by its reference, is hereby authorized, approved, accepted and ratified in each and every respect;

Section 2. That Town of Highland, as Grantor, conveys, authorizes and grants an easement, conveyed, granted, and assigned by agreement to Northern Indiana Public Service Company, LLC, (NIPSCO), an investor owned regulated public utility, as grantee, 801 E. 86th Avenue, Merrillville, Indiana 46410 an electrical facility easement in, under, over and across the following legally described real estate, to-wit:

A 20 FOOT WIDE STRIP OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 9 WEST of the 2nd PRINCIPAL MERIDIAN IN THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA, SAID 20 FOOT WIDE STRIP DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER of OUTLOT A IN OAKBROOK METRO PARK ADDITION TO THE CITY OF HAMMOND, AS SHOWN IN PLAT BOOK 103, PAGE 71 RECORDED AS DOCUMENT NUMBER 2009-025815 ON APRIL 22, 2009 IN THE OFFICE OF THE RECORDER OF SAID COUNTY,

THENCE NORTH 89 DEGREES 48 MINUTES 32 SECONDS EAST (BASIS OF BEARINGS is PER SAID OAKBROOK METRO PARK ADDITION PLAT), 99.23 FEET ALONG THE NORTH LINE OF SAID OUTLOT A; THENCE SOUTH 03 DEGREES 37 MINUTES 29 SECONDS WEST, 169.28 FEET TO THE SOUTH LINE OF SAID OUTLOT A AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 03 DEGREES 37 MINUTES 29 SECONDS WEST, 254.51 FEET; THENCE SOUTH 86 DEGREES 21 MINUTES 51 SECONDS EAST, 20.00 FEET; THENCE NORTH 03 DEGREES 37 MINUTES 29 SECONDS EAST, 254.75 FEET TO SAID SOUTH LINE OF OUTLOT A; THENCE NORTH 87 DEGREES 02 MINUTES 00 SECONDS WEST 20.00 FEET ALONG SAID SOUTH LINE OF OUTLOT A TO THE POINT OF BEGINNING, CONTAINING 5,093 SQUARE FEET MORE OR LESS.

RECORDED IN PLAT BOOK 1007, PAGE 474, DOCUMENT No. 868054, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

Section 3. That the agreement adopted by this order is incorporated herein as an exhibit to this order;

Section 4. That the Town Council President and the Clerk-Treasurer are hereby authorized and directed to evidence this acceptance, approval and adoption of the easements and agreement by affixing their signatures to the agreement.

Be it So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 13th day of May 2019 having passed by a vote of 4 in favor and 1 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/ Steven Wagner, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

(Easement Agreement on File.)

Comments or Remarks from the Town Council:
(For the Good of the Order)

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • IT Liaison • Liaison to the Board of Waterworks Directors • Liaison to the Community Events Commission.*

Councilor Zemen acknowledged the Building Commissioner who offered a survey of the Plan Commission matters that were pending.

Councilor Zemen acknowledged the Redevelopment Director who reported that the remaining buildings on the Kennedy Avenue Property near the site of the former Town Theater were razed.

Councilor Dan Vassar: *Liaison to the Park and Recreation Board.*

Councilor Vassar thanked Mr. and Mrs. Keller, the first use variance petitioners considered at the current meeting, for staying in Highland with their daycare business.

Councilor Vassar acknowledged the Parks and Recreation Superintendent who reported the first of the summer concert series would begin Saturday, May 18, at 7:00 p.m. with the Community Band; The Parks and Recreation Superintendent also

reminded all of the Memorial Day Ceremony at Main Square Park on Monday, May 27 at 10:00 a.m.

With leave from the Town Council, Councilor Vassar engaged in a colloquy with the Public Works Director regarding the restoration of grounds near LaPorte by NIPSCO from its recent natural gas line repair and replacement work.

- **Councilor Mark Herak:** • *Budget and Finance Chair* • *Liaison to the Board of Sanitary Commissioners* • *Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Herak acknowledged the recent police Memorial Day ceremony and commented on how moving he perceived it to be.

Councilor Herak acknowledged the Public Works Director who reported on projects that were to be funded by the community crossings grant.

With leave from the Town Council, Councilor Herak engaged in a colloquy with the Public Works Director, the Fire Chief and the Police Chief regarding the possibility of eliminating the "opticom" devices on the traffic lights based upon his impression that not all of Superior Ambulances are equipped to use the system and how the pedestrian traffic control lights are not overridden by the system.

With leave from the Town Council, Councilor Herak engaged in a colloquy with the Building Commissioner regarding the lawn maintenance issues in town.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison* • *Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who noted that the Highland Fire Department had representatives participate in a funeral service for the former fire chief of Lowell.

- **Councilor President Steve Wagner:** *Town Executive* • *Chair of the Board of Police Pension Trustees* • *Advisory Board of Zoning Appeals Liaison.*

The Council President acknowledged the Building Commissioner who offered a survey of matters pending before the Advisory Board of Zoning Appeals.

The Town Council President commended the Tree Advisory Board and Warren Memorial Elementary School for the recent Arbor Day ceremony.

Comments from Visitors or Residents:

1. Ms. Linda Johnson, Manager Highland Branch of the Lake County Public Library, presented a published summary report of activity of the Lake County Public Library and offered a summary of activities at the Branch.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period April 26, 2019 through May 13, 2019. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$489,289.68; Motor Vehicle Highway and Street (MVH) Fund, \$72,885.37; Local Road and Street Fund, \$3,855.55; Law Enforcement Continuing Education and Training and Supply Fund, \$3,898.08; Capital Projects Retainage Agency Fund, \$122,285.25; Flexible Spending Account Agency Fund, \$816.24; Insurance Agency Fund, \$181,988.87; Gasoline Agency Fund, \$22,219.68; Information Communications Technology Fund, \$7,228.70; Civil Donation Fund, \$12.00; Police Pension Fund, \$69,655.68; Municipal Cumulative Capital Development Fund, \$1,939.00; Traffic Violations and Law Enforcement Agency Fund, \$16,000.00; Gaming Revenue Sharing Fund, \$3,549.31; Total: \$995,623.41.

Study Session. The Town Council President announced a brief study session of the Town Council would immediately follow the plenary meeting.

Adjournment of Plenary Meeting. Councilor Vassar moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, May 13, 2019 was adjourned at 8:09 O'clock p.m.

Study Session Immediately Following Plenary Meeting. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session immediately following the regular plenary meeting on Monday, May 13, 2019 at 8:11 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark Herak, Dan Vassar, and Steve Wagner were present. Councilors Bernie Zemen and Konnie Kuiper were absent. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Also present were Rhett L. Tauber, Town Attorney; Peter Hojnicky, Police Chief; and Patrick Vassar, Assistant Police Chief.

General Substance of Matters Discussed.

1. *Employment contracts for civilian workers Kenneth Balon and Jerry Koedyker.* The Town Council reviewed and discussed the issue of the current employment contracts for Jerry Koedyker and Kenneth Balon, both civilian employees in the Police Department, who shortly after their retirement as full-time police officers, were hired by the Town as civilian employees, to perform similar work as performed previously.

The Clerk-Treasurer, in his role as fiscal officer, briefly explained that Mr. Balon and Mr. Koedyker were not contractual employees but rather employees with contracts. The Clerk-Treasurer further explained that the contracts were necessary in order to modify the terms of their civilian employment from certain conditions imposed by the existing provisions of the either the Wage and Salary ordinance or the Compensation and Benefits Ordinance commonly called the Employee Handbook. In both cases, eligibility for employer paid group health benefits and eligibility for a civilian pension was denied by operation of the contracts. There also was the designation of these workers to be in positions in which they served at the pleasure of the police chief. In all other respects, unless there was some other exception in the agreement, these workers would be eligible for all other benefits and perquisites including workers compensation and paid time under the medical leave provisions.

Assistant Chief Vassar stated that new agreements were necessary because there was concern about vacation time and paid medical leave being applicable for these workers. He stated that he was of this belief owing to information obtained from the Office of the Clerk-Treasurer. It was noted that these matters or concerns were not brought to the attention of the Clerk-Treasurer.

The Assistant Police Chief indicated that Koedyker and Balon wanted to increase their paid vacation time eligibility and the eligibility for paid medical leave. The Assistant Police Chief further clarified that Ken Balon's combined time as both a sworn worker and civilian totaled forty-six years. He further indicated that Jerry Koedyker would mark four years in June in his civilian position.

The Clerk-Treasurer noted that if the Police Department desired to allow Koedyker to have the benefit of his previous service to toll for his vacation and other tenure based benefits, Koedyker needed provisions in an employment contract to waive application of the provisions in the current Compensation and Benefits Ordinance that required a five years service in any re-hiring before the prior time of service would bridge for longevity and vacation time.

The Town Attorney indicated that he would confer with the Clerk-Treasurer on Tuesday, May 12 at 1:00 p.m. and draft contracts informed from this meeting.

There being no further matters to be discussed, the Study Session following the plenary meeting of the Town Council of Monday, May 13, 2019 was adjourned at 8:40 o'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer

Approved by the Town Council at its meeting of _____, 2019.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer